

EXHIBIT R

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CATHERINE L. DAVIS and
TOMMY MOORE, individually, and
on behalf of others similarly situated

Plaintiffs,

V.

DELL, INC. d/b/a DELL COMPUTER, INC.,
DELL USA L.P., AND DELL
MARKETING L.P.,

Defendants.

Case No. 5L07-cv-01401-W

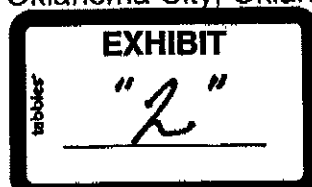
CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

AFFIDAVIT OF TOMMY MOORE

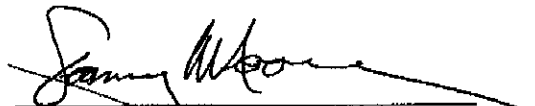
COMES NOW the Affiant, Tommy Moore, and after being duly sworn in states as follows:

1. I am over 18 years of age and of sound mind.
2. I am a resident of Oklahoma County, Oklahoma. I was formerly employed at Dell's Oklahoma City, Oklahoma customer contact center, which is located at 3501 SW 15th St., Oklahoma City, Oklahoma 73108.
3. I chose to file this case in the U.S. District Court for the Western District of Oklahoma because this venue is convenient for me, based upon my residence in Oklahoma County. Transfer of this case to the U.S. District Court for the Western District of Texas in Austin, Texas would be inconvenient for me. If this case is transferred, I cannot participate at all, as it would be a financial hardship to me to travel to Austin, Texas for depositions and for trial. It is easier and more economical for me to pursue this case in Oklahoma City, Oklahoma.

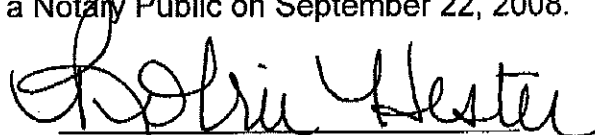


4. I believe that numerous witnesses, including my direct supervisor and his supervisor, the local human resources manager, co-plaintiff Catherine Davis, and the majority of current and former business sales representatives and class members, are also residents of Oklahoma. Therefore, in my opinion, this Court is a more convenient venue for this case than the U.S. District Court for the Western District of Texas. I also believe that due to the opt-in requirement of the FLSA claims presented, it would be much more difficult to encourage other class members to opt-in to this case if it were transferred out of state.

Further this Affiant sayeth not.


Tommy Moore

Subscribed and sworn to before me, a Notary Public on September 22, 2008.


Notary Public

My commission expires:

